

Response to Office Action
SN 10/772,973
Customer No. 33354

REMARKS

A. Status of the Claims

Claims 1-33 are pending. Claims 6, 11, and 16 are cancelled herein.

Claims 1, 7, 17-19, 30, 32 and 33 are amended herein.

B. Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 20-29 and 31 are allowable as written. Applicants also thank the Examiner for indicating that claims 4-6, 10-11, and 14-19 would be allowable if rewritten in independent form.

C. Applicants Request that the Amendment Be Entered

Applicants respectfully request that the Examiner enter the above amendment pursuant to 37 CFR §1.116 and MPEP §714.12 which state that amendments after final rejection may be entered if they are made to comply with requirements of form, place the claims in better from for appeal, or if they place the application in condition for allowance. 37 CFR §1.116(b) and MPEP §714.12.

Applicants have amended claims 30 and 32 to address a 35 USC §112 (2nd Paragraph) rejection and thus these amendments place the application in condition for allowance and should be entered. Applicants have also amended claims 1, 7, and 33 by placing limitations from allowable dependent claims into these independent claims to enable the independent claims to be allowable. Therefore, these amendments also place the application in better condition for

Response to Office Action
SN 10/772,973
Customer No. 33354

allowance and should be entered. Finally, the remaining claim amendments correct antecedent basis issues and should be entered as well because they relate to form.

D. § 112 Rejections

The Examiner has rejected claims 30 and 32 as being indefinite under 35 USC §112 (2nd Paragraph). Specifically, the Examiner notes that these dependent claims lack proper antecedent basis for the claimed limitation of "pulse frequency."

Applicants appreciate the Examiner's detailed reading of the claims and have amended claims 30 and 32 to ensure that that they have the proper antecedent basis. No new matter is added by these amendments because this feature of the present invention is described in paragraph 0018 of the specification as filed.

E. § 102 Rejections Citing Haase

The Examiner has rejected claims 1-3, 7-9, 11-13, and 33 under 35 USC §102(b) as being anticipated by U.S. Published Patent Application No. 2002/0071287 to Haase (Haase). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers, Inc. v. Union Oil Co. of California*, 2 USPQ2nd 1051 at 1053 (Fed. Cir. 1987).

Response to Office Action
SN 10/772,973
Customer No. 33364

As to claims 1-3, Haase does not disclose that both laser beams can be emitted simultaneously. Therefore, Applicants have amended claim 1 to recite that at least two of the laser beams are emitted simultaneously. No new matter is added by this amendment because this feature of the present invention is described in paragraph 0024 of the specification as filed. Claim 1 is now believed to be allowable because neither Haase nor any other single prior art reference sets forth each element of amended claim 1. Therefore, the Examiner is respectfully requested to withdraw this rejection. The Examiner is also requested to withdraw the rejection of dependent claims 2-3 based on their dependency on an allowable base claim.

Applicants note that the feature of simultaneous emission is set forth in claim 6, which the Examiner had previously indicated would be allowable over Haase if re-written in independent form. Now that the element is incorporated into claim 1, claim 6 has been cancelled.

As to claims 7-9, 11-13, and 33, Applicants have amended claims 7 and 33 to recite that the laser device further comprises a control circuit to control a pulse frequency of at least one laser beam. No new matter is added by this amendment because this feature of the present invention is described in paragraph 0018 of the specification as filed. Claims 7 and 33 are now believed to be allowable because neither Haase nor any other single prior art reference sets forth each element of amended claims 7 and 33. Therefore, the Examiner is respectfully requested to withdraw this rejection. The Examiner is also requested

Response to Office Action
SN 10/772,973
Customer No. 33354

to withdraw the rejections of dependent claims 8-9 and 11-13 based on their dependency on an allowable base claim.

Applicants note that the feature of a control circuit to control the pulse frequency of each laser beam is set forth in claim 16, which the Examiner had previously indicated would be allowable over Haase if re-written in independent form. Now that the element is incorporated into claims 7 and 33, claim 16 has been cancelled.

F. Claim Objections

The Examiner has objected to claims 4-6, 10-11, and 14, 15, and 17-19 as being dependent upon a rejected base claim. As noted above, Applicants have amended the base claims from which these objected claims depend and believe that they are now allowable as written. As such, the Examiner is respectfully requested to withdraw these claim objections.

Response to Office Action
SN 10/772,973
Customer No. 33354

CONCLUSION

Applicants respectfully submit that all the rejections have been traversed, and that the application is in form for issuance. If the Examiner has any suggestions or comments that would place the application in even better form for allowance, he is invited to call Applicants' representative, Damon Ashcraft at 602-681-3331.

1/11/06
Dated

Respectfully submitted,

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